

REMARKS

Claims 1-16 are the claims currently pending in the Application.

Claims 1-7 and 9 are amended to clarify features recited thereby.

Applicant thanks the Examiner for acknowledging the claim for foreign priority and the receipt of the foreign priority document.

Applicant further thanks the Examiner for reviewing and considering the references cited in the Information Disclosure Statements filed on November 27, 2000, May 4, 2001 and September 6, 2002.

Rejection of Claims 1, 7, 9 and 15 under 35 U.S.C. §102(b)

Claims 1, 7, 9 and 15 are rejected under 35 U.S.C. §102(b) as by Price-Francis, U.S. Patent No. 5,815,252. This rejection is traversed.

The use of multiple biometrics to authenticate a user, for example reading a fingerprint image and a second fingerprint image of a second finger, requires considerable processing power and resources. According to an aspect of Applicant's claimed invention, authentication based on the use of multiple biometrics data may be avoided because when authentication of a user based on biometrics acquired from the user fails, the biometric data is stored and substitute authentication based on other data from the user is performed.¹ By way of illustrative example and not by way of limitation, according to an aspect of the invention, if authentication of the user based on a fingerprint image fails, fingerprint image data are retained and the user is authenticated using substitute authentication, such as a password entered by the

¹ Applicant does not represent that every embodiment of Applicant's invention as claimed necessarily embodies or performs the features herein discussed. The present discussion merely

user. Accordingly, the substitute authentication may be safer, since biometric data from the failed authentication is retained for future reference by which to identify a user.

For at least the following reasons, the cited prior art neither anticipates nor renders obvious Applicant's claimed invention. By way of example, independent claim 1 requires when authentication based on biometrics results in failure, storing the digital data converted from the biometrics data, and performing substitute authentication based on other data. Further, independent claim 9 requires, *inter alia*, when authentication based on biometrics results in failure, storing the biometrics data, and performing substitution authentication based on other data.

Price-Francis discloses a biometric identification process and system utilizing multiple parameter scans for reduction of false negatives. (Price-Francis, Abstract.) In particular, Price-Francis discloses that: (1) multiple physical characteristics, such as fingerprints, are encoded on a storage medium, such as a user's magnetic card presented to a verification system; (2) a process of randomly and sequentially selecting more than one physical characteristic is used to compare against the physical characteristics currently presented by the user (Col. 2, lines 39-44, underline added); (3) reading means are used to extract from the user additional biometric data representing a different physical characteristic stored by the storage medium. (Col. 3, lines 54-58).

Price-Francis does not disclose or suggest when authentication based on biometrics results in failure, storing the digital data converted from the biometrics data. Since Price-Francis does not disclose or suggest this feature, Price-Francis is incapable of disclosing or suggesting performing substitute authentication based on other data when authentication based

illustrates aspect of Applicant's claimed invention.

on biometrics results in failure and storing the digital data converted from the biometrics data.

Rejection of Claims 2 and 10 under 35 U.S.C. §103

Claims 2 and 10 are rejected as obvious from Price-Francis and Srey, U.S. Patent No. 6,141,436. This rejection is traversed.

Srey discloses a portable communication device having a fingerprint identification system, in which fingerprint data is stored and used by a law enforcement agency to find a person who illegally used a device requiring input of the user's fingerprint. Srey does not cure the deficiencies of Price-Francis as they relate to Applicant's invention as claimed in claims 1 and 9, from which claims 2 and 10 depend. In particular, Srey does not disclose or suggest acquiring an additional image of the same biometric of the user for generating biometrics data. Therefore, claims 2 and 10 are patentably distinguishable over the prior art for at least the reasons that independent claims 1 and 9 are patentably distinguishable over the prior art.

Rejection of Claims 3 and 11 under 35 U.S.C. §103

Claims 3 and 11 are rejected as obvious from Price-Francis and Srey in view of Ort, U.S. Patent No. 5,799,098. This rejection is traversed.

Ort discloses a fingerprint identification system using an improved encoder for use with an automatic fingerprint identification system (Col. 6, lines 6-9) useful in searching multiple prints in fingerprint databases with millions of entries. Ort does not cure the deficiencies of Price-Francis as they relate to independent claims 1 and 9, from which claims 3 and 11 depend. Therefore, claims 3 and 11 are patentably distinguishable over the prior art for at least the reasons that independent claims 1 and 9 are patentably distinguishable over the prior art.

Rejection of Claims 8 and 16 under 35 U.S.C. §103

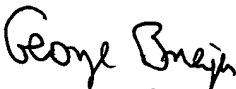
Claims 8 and 16 are rejected as obvious from Price-Francis and Slocum, U.S. Patent No. 6,430,306. This rejection is traversed.

Slocum discloses a system employing facial recognition to generate an image database. Slocum does not cure the deficiencies of Price-Francis as they relate to independent claims 1 and 9, from which claims 8 and 16 depend. Therefore, claims 8 and 16 are patentably distinguishable over the prior art for at least the reasons that independent claims 1 and 9 are patentably distinguishable over the prior art.

Filed herewith is a Petition for Extension of Time, with fee.

In view of the foregoing discussion, the claims pending in the Application are now believed to be allowable and therefore the Examiner is respectfully requested to allow the Application at this time. Should the Examiner have any questions about this Amendment or about the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,


George Brieger
Registration No. 52,652

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343 Ext. 503

GB:eg